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Hon. Andre M. Davis
January 23, 2003
Page 2



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January 23, 2003

The Honorable Andre M. Davis
United States District Judge
United States District Court for the District of Maryland
101 W. Lombard Street
Baltimore, Maryland 21201

Re: *Knussman v. State of Maryland, et al.*
No. 95-AMD-1255

Dear Judge Davis:

Ms. Thompkins has indicated that your Honor has requested that the Superintendent of the Maryland State Police participate in the day-long mediation regarding attorney's fees in this case currently scheduled for February 2, 2004. The Superintendent respectfully requests that his presence not be required at the mediation.

As you are probably aware, Col. Thomas Hutchins was only recently appointed to the position of acting Superintendent, and has been fully occupied with the transition to his new job responsibilities. Additionally, the nature of these job responsibilities is such that he often cannot know how his schedule will be affected by daily developments in law enforcement and emergency response. His schedule is further complicated by the opening of the legislative session, with the consequence that his presence will frequently be required in Annapolis.

The Superintendent will make himself available by telephone, to the extent possible, during the mediation. He also wishes to emphasize that he has the utmost respect for the capabilities of Mr. Jack Howard, Chief of Staff to the Superintendent, whom he had designated to participate in the February 2 mediation session. Col. Hutchins, as acting Superintendent, will, of course, make application to the Board of Public Works, pursuant to

Hon. Andre M. Davis
January 23, 2003
Page 2

Md. Code Ann., State Gov't § 12-405(b), for payment of any proposed settlement that results from the mediation, as ultimate authority for approval of a settlement payment rests with the Board, pursuant to § 12-501.

Col. Hutchins, and defense counsel on his behalf, therefore respectfully request that the Court permit the mediation to go forward without Col. Hutchins' personal presence.

Respectfully submitted,

/s/

Betty Stemley Sconion
Assistant Attorney General
Counsel to Maryland State Police

cc: Andrew D. Freeman, Esq. (by CM/ECF)
Robin R. Cockey, Esq. (by CM/ECF)
Deborah A. Jeon, Esq. (by CM/ECF)

Approved:

Andre M. Davis, Judge
United States District Court for the District of Maryland

Hon. Andre M. Davis
January 23, 2003
Page 2